

# MICHIGAN PROBATE JUDGES ASSOCIATION

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June 28, 2010

Corbin R. Davis, Clerk  
Michigan Supreme Court  
PO Box 30052  
Lansing MI 48909

Re: Michigan Probate Judges Response ADM File 2010-08

Dear Mr. Davis:

The Michigan Probate Judges take the following position on ADM 2010-08.

The guidelines proposed by ADM 2010-08 are not realistic with respect to estate, trust and mental health cases. Accordingly, we propose the following as alternatives:

### *Estate Trust Guardianship and Conservatorship Proceedings.*

*75% of all contested guardianship and conservatorship matters should be adjudicated within 182 days from the date of the filing of objection and 100% within 364 days.*

*75% of all contested estate and trust matters should be adjudicated within 364 days from the date of the filing of objection and 100% within 724 days.*

This proposal segregates contested guardianship and conservatorship matters from contested estate and trust matters by acknowledging that contested estate and trust matters virtually mirror all of the procedural complexities of general civil matters including scheduling orders, expert witnesses, multiple litigants, case evaluation, facilitative mediation and motions for summary disposition. But for the case code designation, there is no difference from general civil litigation. The caseload management targets should be identical to general civil litigation.

### *Mental Illness Proceedings; Judicial Admission Proceedings*

*90% of all petitions should be adjudicated within 14 days from the date of filing of the petition and the receipt of the two clinical certificates (or in a judicial admission case, the report of examination) and 100% with 35 days.*

Clerk Corbin Davis  
June 28, 2010  
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The proposal to reduce the number of days from 14 to 7 to hear 90% of all petitions is more restrictive than the actual statute which requires hearings not more than 7 days, *excluding* Sundays and holidays, after necessary documents are filed. The proposal to reduce the allowable days virtually guarantees non compliance with the guidelines. In addition, the target of 100% compliance within 28 days is thwarted whenever a respondent demands an independent evaluation which is guaranteed by the Mental Health Code. The 100% target should be extended to accommodate jury demands and demands for independent evaluations.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Susan L. Dobrich".

SUSAN L. DOBRICH  
President, Michigan Probate Judges Association

SLD/njc

cc: Chief Justice Marilyn J. Kelly  
Justice Michael F. Cavanagh  
Justice Maura D. Corrigan  
Justice Diane M. Hathaway  
Justice Stephen J. Markman  
Justice Elizabeth A. Weaver  
Justice Robert P. Young, Jr.